

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

STATE OF NEW MEXICO *ex rel.* HECTOR
BALDERAS, ATTORNEY GENERAL,

Plaintiff,

v.

Civ. No. 21-824 DHU/KK

ROVIO ENTERTAINMENT CORPORATION,

Defendant.

**ORDER GRANTING IN PART AND DENYING IN PART
DEFENDANT’S MOTION TO STAY DISCOVERY PENDING
DISPOSITION OF DEFENDANT’S MOTION TO DISMISS**

THIS MATTER is before the Court on Defendant Rovio Entertainment Corporation’s Motion to Stay Discovery Pending Disposition of Defendant’s Motion to Dismiss (Doc. 36), filed March 28, 2022 (“the Motion”). The Court heard oral argument on the Motion on September 1, 2022. Having considered the Motion, the oral argument, the record, and the relevant law, the Court finds that, for the reasons stated on the record, the Motion is well-taken in part and it is hereby GRANTED IN PART and DENIED IN PART as follows.

1. Plaintiff may seek limited discovery from Defendant to identify companies with whom Defendant had contracts resulting in embedded software development kits (“SDKs”) and to obtain those contracts from Defendant (or from the nonparty companies by subpoena). Plaintiff may also serve subpoenas on these companies requesting relevant and discoverable information that could, in Plaintiff’s good-faith estimation, be destroyed or lost during the pendency of a discovery stay. Before Plaintiff may issue any subpoenas pursuant to this Order, counsel shall

confer with one another in a good-faith effort to avoid overbreadth and limit the subpoenas' scope to information that meets the criteria set forth in this paragraph.

2. In all other respects, the Motion is granted without prejudice to the ability of either party to seek the Court's leave to take additional, limited discovery during the pendency of the stay, if appropriate.

3. Except as set forth above, discovery in this case is STAYED pending resolution of Defendant Rovio Entertainment Corporation's Rule 12(b)(1) and 12(b)(6) Motion to Dismiss Plaintiff's Complaint (Doc. 32), filed March 9, 2022.

IT IS SO ORDERED.

A handwritten signature in dark ink, reading "Kirtan Khalsa". The signature is fluid and cursive, with the first name "Kirtan" and last name "Khalsa" clearly distinguishable.

KIRTAN KHALSA
UNITED STATES MAGISTRATE JUDGE